

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

LANE KELLY WHITTENBERG,

Plaintiff,

v.

JOSE TOVAR AYALA, *et al.*,

Defendants.

CASE NO. 1:22-cv-00197-JLT-EPG

**ORDER  
MODIFYING CASE SCHEDULE AND  
SETTING A STATUS CONFERENCE**

Based on the parties' April 3, 2024 Joint Status Report (ECF No. 45) and the telephonic status conference held on April 10, 2024 (ECF No. 47), **IT IS ORDERED** that the Court's July 22, 2022 Scheduling Order (ECF No. 20, as modified by ECF Nos. 41, 43) is further modified as follows:

1. The Court continues the Non-expert Discovery deadline of July 19, 2024, to September 20, 2024;
2. The Court continues the Expert Disclosure deadline of August 19, 2024, to October 21, 2024;
3. The Court continues the Rebuttal Expert Disclosure date of September 19, 2024, to November 22, 2024;
4. The Court continues the Expert Discovery Cutoff deadline of October 18, 2024, to December 20, 2024;
5. The Court continues the Dispositive Motion Filing deadline of December 4, 2024, to February 5, 2024;

6. The Court continues the Pre-Trial Conference date of April 14, 2025, to June 9, 2025 at 1:30 p.m. in Courtroom 4 before District Judge Jennifer L. Thurston;

7. The Court continues the Jury Trial date of June 10, 2025, to September 9, 2025, at 8:30 a.m. in Courtroom 4 before District Judge Jennifer L. Thurston.

In addition to modifying the deadlines listed above, the Court also adds the following:

8. By **June 28, 2024**, the parties are directed to email Judge Grosjean's Courtroom Deputy at EPGorders@caed.uscourts.gov with a report indicating each party's position on whether a settlement conference would be productive.

9. The Court sets a Status Conference for **Monday, October 7, 2024, at 10:30 am**, to be held via telephonic hearing before Magistrate Judge Erica P. Grosjean. At least 7 days before the conference, the parties are directed to file a joint report, of up to five pages, outlining the status of the case, any additional discovery still planned, potential for settlement, and any other issues pending that would benefit from the Court's assistance/direction.

All other requirements of the July 22, 2022, Scheduling Order (ECF No. 20) remain in effect. The Court also reminds the parties that, as stated in its first scheduling order:

The dates set in this order are firm and will not be modified absent a showing of good cause even if the request to modify is made by stipulation. Stipulations extending the deadlines contained herein will not be considered unless they are accompanied by affidavits or declarations, and where appropriate attached exhibits, which establish good cause for granting the relief requested. Due to the impacted nature of the civil case docket, this Court disfavors requests to modify established dates.

(ECF No. 20 at 7). For the reasons described on the record, the Court is not inclined to grant further extensions to these deadlines

Failure to comply with this order may result in the imposition of sanctions.  
IT IS SO ORDERED.

Dated: **April 11, 2024**

/s/ Erica P. Grosjean  
UNITED STATES MAGISTRATE JUDGE